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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Alfred Erik Caraffa,

Petitioner,

V.

Arizona Department of Corrections, et al.,

## Respondents.

No. CV-22-00813-PHX-MTL

## ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Deborah M. Fine (“R & R”) (Doc. 85) recommending that the Amended Petition Under 28 U.S.C. § 2254 by a Person in State Custody (Doc. 36) be dismissed with prejudice, that Petitioner’s various motions be denied, that his notices be stricken from the docket, and that a certificate of appealability be denied.

On August 15, 2023, the Court had entered an order providing Petitioner with extra time to file any objections—up to and including September 15, 2023. (Doc. 88.) This order was mailed to Petitioner on August 15, 2023. Petitioner has not filed any objections to the R & R. And now, the deadline to do so has passed.

In reviewing an R & R, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). “[T]he district judge must review the magistrate judge’s finding and recommendations *de novo if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original); *see Thomas v. Arn*, 474 U.S. 140,

1 149 (1985) (finding that the District Court need not conduct “any review at all . . . of any  
2 issue that is not the subject of an objection”).

3 No objections having been received, the Court will accept and adopt the R & R in  
4 its entirety.

5 Accordingly,

6 **IT IS ORDERED** that the Report and Recommendation (Doc. 85) is **accepted**.

7 **IT IS FURTHER ORDERED** that the Amended Petition Under 28 U.S.C. § 2254  
8 by a Person in State Custody (Doc. 36) be **dismissed with prejudice**.

9 **IT IS FURTHER ORDERED** that Petitioner’s pending motions, including  
10 “Violation of Constitutional Statute by the Court” (Doc. 58), “Motion of Default Federal  
11 Rule of Civil Procedure Rule 55(a)” (Doc. 66), motions for recusal (Docs. 68, 82), and  
12 “Notice of Revoked Motion of Default under Federal Rule of Civil Procedures Rule 55(a)  
13 Default” (Doc. 73), are **denied**.

14 **IT IS FURTHER ORDERED** that the Clerk of Court shall **strike** Petitioner’s  
15 notices (Docs. 78, 79, 84).

16 **IT IS FURTHER ORDERED** that Petitioner’s Application to Proceed In Forma  
17 Pauperis (Doc. 81) is **denied as moot**.

18 **IT IS FURTHER ORDERED** **denying** the issuance of a certificate of appealability  
19 and leave to proceed in forma pauperis on appeal because Petitioner has not demonstrated  
20 that reasonable jurists could find the ruling debatable or conclude that the issues presented  
21 are adequate to deserve encouragement to proceed further. *See Miller-El v. Cockrell*, 537  
22 U.S. 322, 327 (2003).

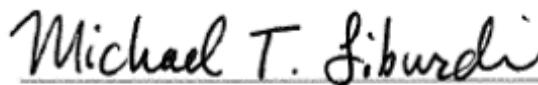
23 **IT IS FINALLY ORDERED** that the Clerk of Court shall enter judgment and close  
24 this case.

25 Dated this 28th day of September, 2023.

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Michael T. Liburdi  
United States District Judge